

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUAN GUTIERREZ RIVEROS,

Plaintiff,

NOTICE OF REMOVAL

-vs-

Case No.: 1:22-cv-4032

RONALD CLARKE GARDINER,
RYDER TRUCK RENTAL, INC.,
RYDER INTEGRATED LOGISTICS, INC., and
RYDER SYSTEMS, INC.,

Demand for Jury Trial

Defendants.

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and the local rules, Defendants Ronald Clarke Gardiner, Ryder Truck Rental, Inc., Ryder Integrated Logistics, Inc. and Ryder Systems, Inc. (improperly sued herein), by their attorneys, hereby give notice of removal of this action from the Supreme Court of the State of New York, Queens County, Index No. 711957/2022, to the United States District Court for the Eastern District of New York on the basis of diversity jurisdiction. In support of said Notice, Defendants state as follows:

Procedural History

1. On June 7, 2022, Plaintiff Juan Gutierrez Riveros filed a Summons and Complaint in the Supreme Court of the State of New York, Queens County under Index No. 711957/2022, and captioned JUAN GUTIERREZ RIVEROS v. RONALD CLARKE GARDINER, RYDER TRUCK RENTAL, INC., RYDER INTEGRATED LOGISTICS, INC. AND RYDER SYSTEMS, INC. A true and accurate copy of the Summons and Complaint are attached hereto as Exhibit A.

2. Defendant Ronald Clarke Gardiner was served via personal service on or about June 23, 2022.

3. Upon information and belief, Defendants, Ryder Truck Rental, Inc., Ryder Integrated Logistics, Inc. and Ryder Systems Inc. were served via substituted service pursuant to CPLR § on or about June 13, 2022.

Parties

4. Upon information and belief, and according to the Summons and Complaint, Plaintiff is a resident of the County of Queens, State of New York.

5. Defendant Ronald Clarke Gardiner is a resident of the County of Essex, State of New Jersey, and at all relevant times, resides at 413 Dodd Street, Apt 4, East Orange, New Jersey, 07017.

6. Defendant Ryder Truck Rental, Inc. is a Florida corporation, and its principal corporate offices are located at 11690 NW 105 Street, Miami, Florida 33178.

7. Defendant Ryder Integrated Logistics, Inc. is a Delaware corporation, and its principal corporate offices are located at 11690 NW 105 Street, Miami, Florida 33178.

8. Ryder System, Inc., improperly sued herein as defendant Ryder Systems, Inc., is a Florida corporation, and its principal corporate offices are located at 11690 NW 105 Street, Miami, Florida 33178.

9. Based upon the foregoing, full diversity exists between the parties.

Jurisdiction and Basis for Removal

10. This Court has subject-matter jurisdiction of the action pursuant to 28 U.S.C. § 1332 in that it is a civil action between citizens of different states.

11. Plaintiff's Complaint alleges that, on March 15, 2022, and as a result of a motor vehicle accident at or near 72nd Street in the City of Queens, Count of Queens and State of New York, Plaintiff suffered serious personal injuries. *See Ex. A*, ¶ 50, 54-56.

12. Upon information and belief, and based upon the allegations within the Complaint, as well as the identified claimed injuries and corresponding damages, Plaintiff seeks damages in excess of \$75,000, exclusive of interest and costs, which meets the jurisdictional requirement.

Basis for Removal

13. This Court has subject-matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332. Venue is proper pursuant to 28 U.S.C. § 1441(a) as this is the federal district court for the district embracing the place where the state court suit is pending.

14. This Notice of Removal is filed with this Court within thirty (30) days of Defendants' receipt of a copy of the Summons and Complaint.

15. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff, by and through his attorneys of record, and is being filed with the Clerk of the Court of the State of New York Supreme Court, Queens County Clerk's office.

WHEREFORE, Defendants Ronald Clarke Gardiner, Ryder Truck Rental, Inc., Ryder Integrated Logistics, Inc. and Ryder Systems, Inc. file this Notice of Removal so that the entire state court action under Index No. 711957/2022 now pending in the State of New York, Supreme Court, County of Queens be removed to the United States District Court for the Eastern District of New York for all further proceedings.

Dated: July 11, 2022
Syracuse, New York

Respectfully submitted,

GOLDBERG SEGALLA LLP

By: /s/ Aaron M. Schiffrik
Aaron M. Schiffrik
5786 Widewaters Parkway
Syracuse, NY 13214-1840
315.413.5405
aschiffrik@goldbergsegalla.com

*Attorneys for Defendants Ronald Clarke
Gardiner, Ryder Truck Rental, Inc., Ryder
Integrated Logistics, Inc. and Ryder
System, Inc.*

To: Daniel J. Niamehr, Esq.
Niamehr Law Firm
30 Wall Street, 8th Floor
New York, NY 10005
646.224.0735
daniel@niamehrlaw.com

Attorneys for Plaintiff